

Section II. REMARKS**Amendment of Claim 1, and Addition of New Claims 6-10**

Claim 1 has been amended herein to remove “means” language from the claim, and to further specify the infrared radiation source as “an infrared radiation source constructed and arranged to transmit an infrared radiation beam through the sampling region.”

New claims 6-10 have been added to specify particular features of the semiconductor process system.

All amendatory changes in the claims, and all new claims, are fully consistent with and supported by the original disclosure of the application. No new matter (35 USC 132) has been introduced.

Rejections of the Claims in the September 7, 2005 Office Action, on Reference Grounds

In the September 7, 2005 Office Action, claims 1-5 as then pending in the application were rejected under 35 USC 102(b) as anticipated by Sorensen et al. U.S. Patent No. 5,782,974 (“Sorensen”).

This rejection of the previously pending claims is traversed, in application to the claims as amended herein. Reconsideration of the amended claims 1-5 and the added claims 6-10 is requested, in light of the ensuing remarks.

Patentable Distinction of Amended/Added Claims Over the Cited References

Claim 1 as now amended recites, inter alia, “an infrared radiation source constructed and arranged to transmit an infrared radiation beam through the sampling region.”

Sorensen lacks such a source, instead disclosing a system in which blackbody radiation is emitted in the IR regime from a glass substrate. Such blackbody radiation is a disperse emission, and is not an infrared radiation beam, and entails no structural component that is “constructed and arranged to transmit” such a beam.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) Sorensen does not meet this standard.

Accordingly, claim 1 and claims 2-5 dependent thereunder, are patentably demarcated over Sorensen, as are added claims 6-10 dependent directly or indirectly from claim 1. Each of the added claims also finds independent basis for patentability, and the subject matter thereof is not disclosed or suggested by Sorensen.

In sum, all of applicants' claims 1-10 set forth a semiconductor process system that finds no derivative basis in the cited references, and therefore such claims as amended/added herein are fully patentably delineated over the art, and in form and condition for allowance.

Withdrawal of the previously applied rejection therefore is requested, and warranted.

Fees Payable for Newly Added Claims 5-10

Five dependent claims have been added by the introduction herein of new claims 5-10.

The introduction of five new dependent claims herein does not increase either the number of total claims or the number of independent claims beyond the number for which payment previously has been made in this application. Accordingly, no added claims fee is payable.

If it nonetheless is determined that any fee or amount is probably payable, in connection with the filing of this Response to the September 7, 2005 Office Action, authorization hereby is given to charge any deficiency in applicable fees for this Response to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

CONCLUSION

Consistent with the foregoing, claims 1-10 as amended/added herein are now in form and condition for allowance. Issue of a Notice of Allowance for the application therefore is respectfully requested.

If any additional issues remain, incident to the formal allowance of the application, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to resolve same, in order that the present application may be passed to issue at an early date.

Respectfully submitted,



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